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LOCK UP CASE.

RULES

—OF THE—

CONSTITUTIONAL CONVENTION

—OF THE—

TERRITORY OF MONTANA.

MR. PRESIDENT:

Your Committee on Rules report the following rules for the government of the Convention, and respectfully recommend their adoption.

ANDREW F. BURLEIGH,
Chairman of Committee.

RULES OF THE CONSTITUTIONAL CONVENTION.

No. 1. *President.*—The President shall take the chair at the time to which the convention stands adjourned, and the convention shall then be called to order, the roll called, and the names of absentees shall be entered upon the journal of the convention.

In case the President is absent, or fails from any cause to take the chair, the convention shall appoint a president *pro tem.*

No. 2. *Quorum.*—Upon the appearance of a quorum, which shall consist of a majority of the whole number of members, the journal of the preceding day shall be read by the Clerk, and any mistakes therein may be corrected by the convention.

No. 3. *Order.*—The President shall preserve order and decorum, and shall decide questions of order subject to an appeal to the convention.

No. 4. *President Shall Vote.*—The President shall vote on all questions taken by yeas and nays, and in all elections and divisions called for by any member.

No. 5. *Members shall remain Seated.*—When the convention adjourns, the members shall keep their seats until the President announces the adjournment.

No. 6. *Proper Decorum.*—Every member, previous to speaking, shall rise from his seat and respectfully address himself to the President.

No. 7. *Two or More.*—When two or more members rise at once, the President shall designate the member who is first to speak, but in all cases the member who shall rise first and address the chair shall speak first.

No. 8. *Not to Speak More than Twice.*—No member shall speak more than twice on the same subject without leave of the convention, nor more than once until every member choosing to speak on the question pending shall have spoken.

No. 9. *Motions to be Seconded.*—No motion shall be debated or put, unless the same shall be seconded. It shall be stated by the President, and any such motion shall be reduced to writing, if the President, or any member, shall desire it.

No. 10. *Motions in Possession of the Convention.*—After any motion shall be stated by the President it shall be in possession of the convention, but may be withdrawn at any time before amendment or decision; but all motions, resolutions or

amendments shall be entered upon the journal whether they are rejected or adopted.

No. 11. *Debate.*—When a question is under debate no motion shall be received, except: 1st, To adjourn; 2d, To lay on the table; 3d, For the previous question; 4th, To postpone to a day certain; 5th, To commit to a standing committee, 6th, To commit to a select committee; 7th, To amend, 8th, To postpone indefinitely, and these several motions shall have precedence in the order in which they stand arranged.

No 12. *Adjournment.*—A motion to adjourn shall always be in order, except when a member is addressing the chair, or a vote is being taken; that, and the motion to lay on the table, shall be received without debate.

No. 13. *Previous Question.*—The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and its effect shall be to put an end to all debate and bring the convention to a direct vote upon the amendments reported by a committee, if any, upon pending amendments, and then upon the main question.

On a motion for the previous question, and prior to the vote being taken, one call of the convention shall be in order; but after a majority shall have seconded such motion, no call shall be in order prior to a decision of the main question.

No. 14. *Same.*—When, on taking the previous question, the convention shall decide that the main question shall not now be put, the main question shall remain as the question before the convention, in the same stage of proceedings as before the previous question was made.

No. 15. *Incidental Questions.*—All incidental questions of order, arising after a motion is made for the previous question, during the pending of such motion, or after the convention shall have determined that the main question shall now

be put, shall be decided, whether on appeal or otherwise without debate.

No. 16. *Petitions.*—Petitions, memorials and other papers addressed to the convention, shall be presented by the President, or by a member in his place.

No. 17. *Voting.*—Every member who shall be present before the vote is declared from the chair, and no other, shall vote for or against the same, unless the convention shall excuse him; or unless he is immediately interested in the question, in which case he shall not vote.

No. 18. *When the Question is being Put.*—When the President is putting the question, no member shall walk out of or across the hall; nor when a member is speaking shall any person entertain any private discourse, or pass between him and the chair.

No. 19. *Several Points.*—If the question in debate contains several points, any member may have the same divided.

No. 20. *Members Called to Order.*—A member called to order shall immediately sit down, unless he desires to explain, after which he shall take his seat, until the point of order be decided by the chair, which shall be final, unless the member desires to appeal, in which case he shall have the right to arise, and ask the chair to put his motion to the convention, whose duty it shall be to immediately comply; and the question shall be: "Shall the decision of the chair be sustained?"

No. 21. *Title and Numbering of Propositions and Resolutions.*—Propositions and resolutions proposing matter, to be incorporated in the constitution, shall be prefaced with the title, briefly indicating the subject to which they refer. They shall be in writing, on legal cap paper, or printed, and shall be numbered by the Secretary, in the order in which they are introduced.

No. 22. *Resolutions limited to one Subject, Reading and Reference of Same.*—Propositions and resolutions mentioned

No 25 Committee of the Whole

In forming a Committee of the whole Convention the President shall appoint a member of the convention to preside. Proprosi tions or resolutions relating to the constitution, shall be submitted to a committee of the whole convention, and shall be read and considered in committee of the whole, by sections All amendments shall be noted and reported to the convention by the chairman After report the proposition or resolution shall again be subject to amendment before the final vote shall be taken

in the last foregoing rule shall embrace but one subject They shall be read once when introduced, and then referred without debate to an appropriate committee.

No. 23. *General File.*—All propositions and resolutions, embracing matter proposed to be incorporated in the constitution, reported by a standing or special committee, shall be read when reported, and shall be placed on a general file, to be kept by the Secretary, in the order in which they are reported. They shall be taken from the file and acted upon in the order in which they are placed thereon, unless otherwise ordered by the convention: *Provided*, That engrossed propositions and resolutions shall be placed at the head of the file in the order in which they are received. One hundred copies of the file for each day shall be printed.

No. 24. *Committees Not to Sit During Session.*—No committee shall sit during the session of the convention without leave.

No. 25. *Committee of the Whole.*—In forming a committee of the whole convention the President may preside or appoint a member to preside. Propositions or resolutions relating to the constitution shall be submitted to a committee of the whole convention, and shall be read and considered in committee of the whole, by sections. All amendments shall be noted and reported to the convention by the Chairman. After report the proposition or resolution shall again be subject to amendment before the final vote shall be taken.

No. 26. The rules of the convention shall be observed in committee of the whole, so far as they may be applicable, except for limiting the time for speaking, and except that the ayes and noes shall not be taken, and that the previous question shall not be moved.

No. 27. A motion that the committee rise shall always be in order, and shall be decided without debate.

No. 28 *Orders, Resolutions, etc., which shall be considered in Committee of the Whole.*—Every order or resolution which proposes an alteration in the constitution, and all reports of committees appointed to consider the propriety and expediency of making any alteration therein, shall be considered in committee of the whole, before they are debated and finally acted on in convention

No. 29. *Convention. Parliamentary Practice.*—The rules of parliamentary practice, embraced in Jefferson's Manual, shall govern the convention in all cases when they are applicable and in which they are not inconsistent with the standing rules and orders of the convention.

No. 30. *Convention. Suspend, Alter or Amend.*—No rule of the convention shall be suspended, altered or amended, without the concurrence of two-thirds of the members present, except rules 21, 22, 23, 24, 25, 26.

No. 31. *The Reading of Papers.*—When the reading of a paper is called for, except petitions and memorials, and the same is objected to by any member, it shall be determined by the convention without debate.

No. 32. *Papers to be Left with Secretary by Members Absent.*—Every member before availing himself of a leave of absence, shall deposit with the Secretary all papers belonging to the convention.

No. 33. *Extra Pay.*—No increase of pay, nor any extra pay, shall be allowed to any officer or attache of the convention, by resolution or otherwise, except by unanimous consent.

No. 34. *Employment of Committee Clerks.*—No committee shall be permitted to employ a clerk at the expense of the Territory, without first obtaining leave of the convention for that purpose.

No. 35. *Order of Business.*—1. Roll call.

2. Reading and approval of the Journal.

3. Reading and presentation of petitions and memorials, under which head shall include remonstrances, communications from individuals and public bodies.

4. Communications for Territorial officers—under which head shall be embraced also, communications from public officers and corporations, in response to calls for information.

5. Reports of Standing Committees, in the order in which they stand in the rules.

6. Reports of Select Committees.

7. Introduction of Resolutions and Propositions relating to the Constitution.

8. Unfinished Business.

9. Special Orders.

10 General Orders.

11. Miscellaneous Motions and Resolutions.

No. 36. *Reference of Resolutions, when Committees must Report.*—When a motion is made to refer any subject, and different committees should be proposed, the question shall be taken in the following order:

1. The committee of the whole convention.
2. The standing committee.
3. A select committee.

Every committee of the convention to whom a resolution or proposition has been referred, shall report the same to the convention within three days from the time in which it is received by the chairman of the committee, unless further time to report is granted. Every proposition or resolution shall be referred to the appropriate standing committee, as indicated by its name herein.

No. 37. *Motion or Proposition Different: No Amendment.*—No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

RULE 30 AS AMENDED.

Rule 30. *Convention suspend, alter or amend.* No rule of the convention shall be suspended, altered or amended without the concurrence of two-thirds of the members present: Except rules 21, 22, 23, 24, 25, and 26, which shall not be suspended without unanimous consent.

No. 38. *Time of Meeting.*—The hour of the daily meeting of the convention shall be 10 o'clock in the morning, until the convention directs otherwise.

No. 39. *Duties of Officers at the Close of the Session.*—The Secretary and Assistant Secretary at the close of the session of the convention, must deliver to the Secretary of the Territory, duly marked, labelled and arranged, all propositions, resolutions, petitions, memorials and other papers belonging to the convention, and also all books belonging to the same.

No. 40. *Substitutes.*—A substitute shall be deemed an amendment, and treated in all respects as such.

No. 41. *Standing Committees.*—The standing committees of the convention shall be as follows:

1. On Preamble and Bill of Rights, to consist of five members.
2. Rights of Suffrage, to consist of three members.
3. On Legislative Departments, to consist of seven members.
4. On the Executive Departments, to consist of three members.
5. On Judiciary and Judicial Departments, including pardoning power, to consist of nine members.
6. On Military Affairs, to consist of three members.
7. On the finances of the State, public debt, the indebtedness of counties and municipalities, revenues, expenditures and taxation, and the restrictions to be placed on the powers of the Legislature in respect thereto, to consist of nine members.
8. Education, to consist of three members.
9. State institutions and public buildings, to consist of five members.
10. On city, county and town organizations, to consist of three members.
11. Apportionment and representation, to consist of three members.

12 Corporations (other than municipal,) to consist of five members

13. Miscellaneous subjects and future amendments, to consist of three members.

14. On schedule, to consist of three members.

15. On mining, water and water rights, to consist of five members.

16. Agriculture, manufactures, commerce and immigration, to consist of five members.

17. Reporting and printing and mileage and contingent expenses, to consist of three members.

18. Privileges and elections, to consist of three members

19. Engrossment and enrollment, to consist of three members.

20. Boundaries, public lands and homestead exemptions, to consist of three members.

21. Revision, phraseology and adjustment, to consist of three members.

22. On ordinances, five members

Rule 42. *Yeas and Nays* The yeas and nays shall not be ordered unless demanded by two members Except on the final passage of matter to be incorporated in the constitution; in which case the yeas and nays shall be had without demand.

No. 43 *Duties of Official Stenographers.* Before receiving the compensation provided for the official stenographers of the convention, they shall, after approval by the president, deliver to the secretary of the convention their full short hand and extended notes of the proceedings, to be by him delivered with other records to the Secretary of the Territory.